

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Office of Adult Education (Kentucky Skills U)**  
**(Amendment)**

**13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.**

RELATES TO: KRS 151B.408 [~~KRS 151B.023, 151B.110~~], 533.200, 533.210

STATUTORY AUTHORITY: KRS 13A.100, 151B.408 [~~151B.023, 151B.110~~], 533.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 533.200 allows a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living and employment skills. KRS 533.210 delegates responsibility for administering the program described in KRS 533.200 to the Office of Adult Education [~~Department for Adult Education and Literacy~~]. KRS 151B.408 [~~KRS 151B.023 and 151B.110~~] delegates to the Education and Workforce Development Cabinet, Office of Adult Education [~~Department for Adult Education and Literacy and the State Board for Adult and Technical Education~~] the responsibility for adult education programs and services. This administrative regulation describes the method of providing services to this population, the cost of individual participation in the program, and the qualifications [~~manner of licensing~~] of teachers providing instruction.

Section 1. Instructional Program, Costs, Licensing. There shall be no costs to students ordered by the court to attend a the Kentucky Skills U instructional program described in KRS 533.200. The program services shall be services presently provided students enrolling in Skills U [~~adult education~~] programs. [~~Licensing and~~] Qualifications of instructors shall be determined by Kentucky Skills U [~~the local program providers~~].

JOHN C. GREGORY, Executive Director

For JACQUELINE COLEMAN, Secretary

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at October 26, 2021, 1:00 p.m. at 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email [Natalie.Cummins@ky.gov](mailto:Natalie.Cummins@ky.gov).

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Natalie Cummins

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 533.200 allows a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living and employment skills. KRS 533.210 delegates responsibility for administering the program described in KRS 533.200 to the Office of Adult Education. KRS 151B.408 delegates to the Education & Workforce Development Cabinet, Office of Adult Education the responsibility for adult education programs and services.

(b) The necessity of this administrative regulation: This administrative regulation describes the method of providing services to the court-ordered population, the cost of individual participation in the program, and the qualifications of teachers providing instruction.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The relevant statutes require the promulgation of this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists with the implementation of statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment changes naming only.

(b) The necessity of the amendment to this administrative regulation: KYSU no longer resides within the Council on Postsecondary Education. Language changes are necessary to reflect inclusion in the EWDC.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation currently conforms to the content of the authorizing statutes. The amendment does not change the substance of the current regulation.

(d) How the amendment will assist in the effective administration of the statutes: This regulation currently assists in the effective administration of statutes. The amendment does not change the substance of the current regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Court-ordered adult education participants (numbers vary from year to year); Office of Adult Education (Kentucky Skills U) and Skills U programs located in 120 counties (funded by OAE).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities already comply with this regulation. The amendment changes language associated with OAE (KYSU) being moved to the EWDC.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs incurred by the affected entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Court-ordered adult education participants benefit from free education to help them improve their academic and employability skills. Skills U program benefit from guidance and coordination by OAE (KYSU).

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation is already being administered as part of basic funding.

(b) On a continuing basis: This administrative regulation is already being administered as part of basic funding.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Office of Adult Education receives Title II Workforce Innovation and Opportunity Act funding (through the Adult Education and Family Literacy Act) and funding through Senate Bill 1 (2000) from the Commonwealth of Kentucky.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees, new or previous, associated with this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase (or establish) any fees.

(9) TIERING: Is tiering applied? No.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Office of Adult Education (Kentucky Skills U) and the Skills U programs that are recipients of OAE funding.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 533.200; KRS 533.210; KRS 533.200; KRS 151B.408

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There is no additional cost to administering this regulation. Costs are covered in the basic funding received by Skills U programs through OAE (KYSU).

(d) How much will it cost to administer this program for subsequent years? There is no additional cost to administering this regulation. Costs are covered in the basic funding received by Skills U programs through OAE (KYSU).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: